

Exhibit D

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Bruce Clark DeMustchine,

Plaintiff

CA No. 10-11245-DPW

v.

RAHI Real Estate Holdings LLC and JPMorgan Chase Bank, N.A. as the acquirer of certain assets
and liabilities of Washington Mutual Bank ("WMB") from the Federal Deposit Insurance
Corporation acting as WMB's Receiver

As Defendants

MOTION FOR ISSUANCE AND ENTRY OF DEFAULT JUDGMENT

Plaintiff Bruce DeMustchine hereby moves this Court, pursuant to Local Rule 7.1 and Rule 55(b)(2) of the Federal Rules of Civil Procedure, enter a default judgment on all Counts of his Complaint and issue a permanent injunction enjoining **Defendant RAHI Real Estate Holdings** and its agents, servants, employees, attorneys, and all persons in active concert or participation with them from directly or indirectly holding a foreclosure sale or any other sale and collecting any past due amounts on mortgages, or taking any collection action against the Plaintiff related to 6 Vernon Street in Newburyport, Massachusetts.

Plaintiff Bruce DeMustchine also moves that this Honorable Court award reasonable attorney fees and costs that have been incurred and all costs to collect the debt incurred.

Dated: September 12, 2010

Respectfully submitted,

/s/ Thomas R. Mason
Thomas R. Mason, Esq.
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CERTIFICATE OF SERVICE

I, Thomas R. Mason, hereby certify that a true and correct copy of the foregoing document was served on all counsel of record via this Court's CM/ECF system or, if not registered on this Court's CM/ECF system, then via first class mail, postage prepaid on this 12th day of September, 2010.

/s/ Thomas R. Mason
Thomas R. Mason

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Bruce Clark DeMustchine,

Plaintiff

CA No. 10-11245-DPW

v.

RAHI Real Estate Holdings LLC and JPMorgan Chase Bank, N.A. as the acquirer of certain assets and liabilities of Washington Mutual Bank ("WMB") from the Federal Deposit Insurance Corporation acting as WMB's Receiver

As Defendants

AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT JUDGMENT

I, Thomas R. Mason, being duly sworn, state as follows:

1. I am the attorney for the plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.
2. The summons and complaint were served upon the Defendant RAHI Real Estate Holdings LLC on July 14, 2010.
3. An answer to the complaint was due on August 4, 2010. No response was served within the time allowed by law nor has the Defendant RAHI Real Estate Holdings LLC sought additional time within which to respond.
4. The default of Defendant RAHI Real Estate Holdings LLC was entered on August 23, 2010.
5. As required by the Servicemembers Civil Relief Act of 2003, I have confirmed that the Defendant RAHI Real Estate Holdings LLC is not currently in active military service.

6. To my best information and belief, Defendant RAHI Real Estate Holdings LLC is not an infant or incompetent person.

7. The claim of the Plaintiff(s) asks that this Honorable Court order:

- A) A default judgment against **Defendant RAHI Real Estate Holdings LLC** on all Counts of Plaintiff DeMustchine's Complaint;
- B) **Defendant RAHI Real Estate Holdings** and its agents, servants, employees, attorneys, and all persons in active concert or participation with them are permanently restrained and enjoined from directly or indirectly holding a foreclosure sale or any other sale of the Plaintiff's residence, located at 6 Vernon Street in, Newburyport, Massachusetts;
- C) **Defendant RAHI Real Estate Holdings LLC** and its agents, servants, employees, attorneys, and all persons in active concert or participation with them be permanently restrained and enjoined from directly or indirectly collecting any amounts on mortgages or taking any collection action against the Plaintiff related to 6 Vernon Street in Newburyport, Massachusetts.
- D) **Defendant RAHI Real Estate Holdings LLC** shall pay reasonable attorney fees and costs plus interest at the legal rate incurred by the Plaintiff Bruce DeMustchine within thirty days of the issuance of this default judgment. Interest shall accrue until the debt to the Plaintiff is satisfied.

8. The attorney fees incurred by the Plaintiff, as of this date, are 33.5 hours x \$ 250.00 per hour for Attorney Thomas R. Mason and 15.25 hours x \$ 250.00 per hour for Attorney Michael Goldstein plus costs of \$ 367.00 for a total of \$ 12,654.50.

Signed under pains and penalties of perjury, this 12th day of
September 2010.

/s/ Thomas R. Mason